

---

TITLE 312 NATURAL RESOURCES COMMISSION

---

Notice of Public Hearing  
LSA Document #11-470**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on December 1, 2011, at 6:00 p.m., at the Spring Mill Inn, Elm Room, 3333 State Road 60 East, Mitchell, Indiana; **AND** on December 6, 2011, at 6:00 p.m., at the Peru Public Library, 102 East Main Street, Peru, Indiana, the Natural Resources Commission will hold a public hearing on proposed amendments to [312 IAC 9-1-12](#) to add definitions of "possession limit", "primary residence", and "processed" at [312 IAC 9-1-12.1](#), [312 IAC 9-1-12.5](#), and [312 IAC 9-1-12.6](#), respectively, and amend the definition of "possession" at [312 IAC 9-1-12](#), amend [312 IAC 9-2-8](#) to add the term possession limit and exempt white-tailed deer and wild turkeys and to [312 IAC 9-4-7.5](#) to govern the possession limit for nonmigratory gamebirds, and amend [312 IAC 9-5-6](#) to establish a taking period for collecting reptiles and amphibians from the wild and a limit to the number of these species that can be taken from the wild and possessed, including those that are kept alive, each year.

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: The Department of Natural Resources (DNR) has proposed amendments to [312 IAC 9-1-12](#) to differentiate between possession of wild animal carcasses and live wild animals. A definition of "possession limit" is being added in [312 IAC 9-1-12.1](#) as two times the daily bag limit of a wild animal. Currently, an individual can already possess not more than two times the daily bag limit of a wild animal per [312 IAC 9-2-8](#). However, the definition of "possession limit" is needed because the term is being added in multiple rules in [312 IAC 9](#). The definition of "primary residence" is needed to define the term that is used in [312 IAC 9-2-8\(d\)](#). This definition will help clarify that the possession limit does not apply when the wild animal is at the individual's home or other place of ordinary habitation, but it does apply at all other locations such as a hotel or camp. The definition of "processed" is needed to define the term that is used in [312 IAC 9-2-8\(d\)](#). This definition will help clarify that the possession limit does not apply when the wild animal is processed in some way, such as smoked or canned, and at the individual's home or other place of ordinary habitation. There will be no fiscal impact to state or local government as a result of the addition of these definitions.

The amendments to [312 IAC 9-2-8](#) are needed to specify the limits for the possession of wild animal carcasses. These amendments simply authorize individuals who lawfully harvest the bag limit of a wild animal (such as a gray squirrel) to process and store the carcasses in the freezer and then take additional wild animals of the same species within the same season, as long as the bag limit and possession limit (for unprocessed carcasses) are not exceeded.

The purpose of the amendments to [312 IAC 9-2-8](#) are to clearly define the possession restrictions of wild animals where a bag limit is established and at what point those legally taken wild animals no longer count towards the possession limit. The primary tools for management of fish and wildlife populations are the bag limit, not the limit to the number of carcasses in an individual's freezer.

The amendments to [312 IAC 9-5-6](#) are required to establish a daily bag limit and clarify possession limits for native reptiles and amphibians that are taken from the wild.

The number of individuals who are directly affected by these changes is expected to be approximately 750,000 anglers and 102,500 hunters in Indiana based on 2010 hunting and fishing license sales. During the 2008-2009 hunting season, there were an estimated 69,453 cottontail rabbit hunters and 13,999 bobwhite quail hunters.

All requirements or costs by the rule amendments on regulated entities under [IC 4-22-2-24\(d\)\(3\)](#) are reasonably necessary to provide for the conservation and management of wild animals and enforcement of the laws governing the taking and possession of wild animals.

The number of hunters and anglers in Indiana was obtained from the DNR Division of Fish and Wildlife's database of hunting and fishing license holders. The number of rabbit and quail hunters was estimated from the DNR Division of Fish and Wildlife's database of hunting license holders and a survey of small game hunters.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter  
Chairman  
Natural Resources Commission

Posted: 10/19/2011 by Legislative Services Agency  
An [html](#) version of this document.